



STATE OF WASHINGTON  
SENTENCING GUIDELINES COMMISSION  
*PO Box 40927 • Olympia, Washington 98504-0927*  
*(360) 407-1050 • FAX (360) 407-1043*  
MINUTES

SENTENCING GUIDELINES COMMISSION  
October 12, 2007

**ROLL CALL Members Present:**

Dave Boerner  
Rep. Sherry Appleton  
Jeri Costa  
Ned Delmore  
Hon. Tari Eitzen  
Lynda Ring Erickson  
Hon. Ellen Fair  
Russ Hauge  
Lucy Isaki  
Tim Killian  
Hon. Dean Lum  
Lenell Nussbaum

**Members Absent**

Ida Ballasiotes  
Michael Brasfield  
Harold Clarke  
John Clayton  
Michael Kawamura  
Hon. Ronald Kessler  
Adam Kline  
Pam Roach  
Jay Rodne  
Mary Ellen Stone

**Staff Present**

Jean Soliz-Conklin  
Edward Valachovic  
Teresa Waller  
Thuy Le  
Duc Lu  
Andi May

**Others Present:**

Joanna Arlow, Senate Democratic Caucus; Shani Bauer, Senate Committee Services; Bob Cooper, Washington Association of Criminal Defense Attorneys; Gongwei Chen, Caseload Forecast Council; Bruce Conklin, citizen member; Genevieve Davis, Senate Republican caucus; Elizabeth Drake, Washington State Institute for Public Policy; Seth Fine, Asst. Chief Criminal deputy Snohomish County Prosecutor's Office; Regina McDougall, Administrator of Office of the Courts; Lindsay Palmer, King County Sexual Assault Resource Center; Peggy Smith, Indeterminate Sentencing Review Board; and Jenny Wieland, Families & Friends of Violent Crime Victims.

**CALL TO ORDER:** The Chair, Dave Boerner, called the meeting to order at 9:13 a.m. He welcomed members and guests.

**Presentation by the Washington State Institute for Public Policy (WSIPP) on Offender Risk Assessment**

Elizabeth Drake, PhD. presented a study conducted by WSIPP on *Risk and Needs Assessment for Adult Felony Offenders*. DOC, with assistance from WSIPP, developed an instrument to measure offenders' risk for reoffense and needs (protective factors). The new instrument will be used by DOC beginning in 2008 to measure the risk level of offenders being released into the community. Their level of supervision will be assigned based on this instrument in compliance with statutory mandates. **See Exhibit A.**

**Report from the Simplification Committee**

Post Release Supervision: Seth Fine, Chair of the Supervision Subcommittee, presented a preliminary report on the multiplicity of supervision schemes. The Commission reviewed a history of supervision statutes. The subcommittee agreed in concept a proposal for the simplification of portions of the SRA dealing with the supervision of offenders. The scheme discussed would replace all types of supervision and greatly reduce the problems that are now faced by judges, lawyers, and the Department of Corrections. Chairman Boerner suggested that the subcommittee first rewrite the statutes without any policy changes. The "policy neutral" statutes would make the supervision laws readable and then policy discussions could follow. Russ Hauge said he favored policy discussions as well, but the group agreed with the policy-neutral approach as a first step. **See Exhibit B**

Scoring

Judge Fair postponed discussion of scoring issues.

**Governor's Sex Offender Task Force Report**

Commissioner Russ Hauge, Kitsap County Prosecuting Attorney and Chair of the Governor's Sex Offender Task Force, presented a draft of the final Task Force recommendations. The Task Force was asked to analyze the response to our justice system and the changes that have taken place from 1990 to 2007 and suggest legislation that would provide greater protection from predators. The recommendations were to:

- Improve services and support for victims of sexual assault
- Track district and municipal court conviction records related to felony sexual assaults
- Collect DNA from sex offenders upon registration if they have not yet had their DNA put into the database
- Utilize electronic monitoring for certain sex offenders, while carefully explaining the limitations of the system

- Expand the public notification website for sex offenders to display information about Level I offenders who fail to register or otherwise fail to meet registration requirements
- Support Sheriffs' efforts to connect appropriately with immigration authorities
- Continue discussions about sentencing in the Sentencing Guidelines Commission

Tim Killian recommended continued discussions and suggested the Sentencing Guidelines Commission create a committee for that purpose. Staff will set up a meeting and invite commissioners and interested others. **See Exhibit C**

### **Caseload Forecast Assumptions**

Gongwei Chen, Director of the Washington State Caseload Forecast Council, presented recommendations as to the assumptions to be used in preparing the November criminal justice caseload forecast. Each year, the Commission is required to review and approve assumptions to be used in preparing a forecast of prison population by crime type and gender of offenders. Following the presentation and discussion, the Commission agreed to approve all of the proposed assumptions. A copy of the approved assumptions is attached as **Exhibit D**.

### **Doc Legislation on DOSA**

Ida Rudolph Leggett, Department of Corrections, discussed the Drug Offender Sentencing Alternative (DOSA). She reported that the Judgment & Sentence forms used by the counties are confusing. She reported that DOC has a task force working on a proposal that would clarify the language imposing the DOSA sentence. She presented a draft bill from the Code Reviser's Office on reenacting and amending DOSA, RCW 9.94A.660. DOC would like support from the SGC.

Members agreed with the bill draft and discussed amending Page 3, paragraph 5b to read no good time. **See Exhibit E**

### **MOTION # 997**

**Moved:** Ellen Fair

**Seconded:** Jeri Costa

**PASSED: Unanimously with Russ Hauge abstaining**

### **TO AMEND THE LANGUAGE ON PAGE 3**

### **PARAGRAPH 5 STATING NO GOOD TIME**

### **Juvenile Justice Subcommittee**

Commissioner Ned Delmore, Director of Services Kitsap County Juvenile Department, reported that the committee is in its early stages. Members include Representative Sherry Appleton, Russ Hauge, and himself. The subcommittee is heading primarily in the direction of evidence based programming and is starting to see measurable results in criminal filings. The JRA population is down 50% compared to 5 years ago. Another area the subcommittee will be working on is gang related crime. The Gang Task Force is working on interdiction, intervention, and insight into the behavior of juveniles. Mr. Delmore asked the SGC to continue to affirm the policy direction of the DSHS Juvenile Rehabilitation Administration (JRA) and the direction it is going. Jean Soliz-Conklin

would send an email requesting any members to volunteer and help with this subcommittee. It was reported that John Clayton is the new Director of JRA.

**OUTREACH/COMMUNICATION SUBCOMMITTEE:**

Commissioners Jeri Costa and Tim Killian and Executive Director Jean Soliz-Conklin had their first teleconference to develop strategies to improve communication on what the commission accomplishes. A more detailed report will be given the commission at the next meeting.

**STAFF REPORT:**

Jean Soliz-Conklin, Executive Director to the SGC, reported on staff changes to the SGC. She reported that Ed Valachovic had accepted a position with the Administrator for the Courts and that she is pleased to report that Duc Luu had rejoined commission staff as the database program manager.

**ADJOURNMENT**

The meeting was adjourned at 1:10 p.m.

**APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION**

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Dave Boerner

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Date

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Jean Soliz-Conklin

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Date

